

VZCZCXYZ0002
PP RUEHWEB

DE RUEHGB #0235/01 0300917
ZNY CCCCC ZZH
P 300917Z JAN 10
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 6358
INFO RUCNRAQ/IRAQ COLLECTIVE

C O N F I D E N T I A L BAGHDAD 000235

SIPDIS

E.O. 12958: DECL: 01/26/2020
TAGS: KDEM PREL IZ SY
SUBJECT: A/S FELTMAN DISCUSSES EXTERNAL RELATIONS,
ELECTIONS WITH PM ADVISOR RIKABI

REF: A. BAGHDAD 233
B. BAGHDAD 234

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for Reason
s 1.4 (b) and (d).

¶1. (C) SUMMARY: In a follow up meeting to the diplomatic Joint Coordinating Committee (JCC), A/S Feltman met with PM Advisor Sadiq Rikabi on January 24 to discuss Iraq's external relations, the de-Baathification controversy and government transition. Rikabi expressed his desire to see the JCC focus its efforts on Iraq-Syrian relations, which he believed to be the most pressing issue given what the GOI perceives to be the Syrian role in supporting terrorist attacks within Iraq. The PM's advisor was sanguine about the ongoing de-Baathification crisis, believing the issue of Saleh al-Mutlaq's exclusion had been overblown by the media. At the same time, he expressed concern about the possibility of the Parliament passing an Electoral Code of Conduct law to restrain the GOI's decision making between the election and the formation of a new government, believing it both unconstitutional as well as a dangerous restriction on the GOI's ability to respond to security threats. (NOTE: The COR recessed on January 26 until March 1. As of that day, the Electoral Code of Conduct was sidelined in the Legal Committee because COR leadership determined that there were a number of legal inconsistencies in the bill. END NOTE.) END SUMMARY.

JCC FOLLOW UP: REQUEST TO FOCUS ON SYRIA

¶2. (C) In a follow-up to the official diplomatic JCC meeting hosted by FM Zebari on January 24 (reported in reftels A and B), A/S Feltman met with PM Advisor Rikabi later in the day to discuss progress made at the JCC. (Note: Rikabi was present at the official JCC meeting as well. END NOTE.) Rikabi began by saying that he thought the general discussion of Iraq's external relations with its neighbors that had consumed a large portion of the JCC was not productive. He asked whether the JCC mechanism could be used to focus on one particular issue, either Iraq-Kuwait or Iraq-Syria relations. A/S Feltman responded that the day's JCC meeting had been focused broadly because it was the first time the committee had met, but that concrete action items had been laid out to assist Iraq in having Chapter VII sanctions lifted. NEA Special Advisor Slotkin added that the dialogue in the run-up to the JCC had contributed to forward movement over the past few months on the issues of weapons of mass destruction, oil for food, and American compensation claims, all of which were necessary for Iraq to be fully reintegrated into the international community.

¶3. (C) Rikabi stated that Syria was the GOI's primary concern because Syria was responsible for the majority of the car bombs used in Iraq. The Syrians had failed to interdict the explosives used in attacks and provided a base of operations for terrorists to carry out training and logistics for their

attacks. Rikabi added that the Syrians allowed broadcasts on the satellite channel al-Rai in which viewers were taught how to make bombs and were generally incited to commit violence. A/S Feltman responded that the United States had raised the same issues with the SARG, in particular the broadcasts on al-Rai. A/S Feltman asked whether the tripartite commission that had been established previously to examine the Syria-Iraq border, but which was suspended after the August 19 bombings, could be revived as a way of engaging the SARG productively. Rikabi said that restarting the commission was not possible politically. Moreover, the Syrians were using the border inspections as a means to exact rewards for marginal actions that did not actually change SARG policy. Rikabi said that the GOI was planning to make a formal request at the United Nations to activate anti-terrorism resolutions against Syria and pressed the USG to do more to push for a formal UN investigation into Syrian support for terrorism inside Iraq. A/S Feltman said it was important that the GOI take the lead at the UN in presenting its case and that the GOI should reach out to the Government of France, the upcoming UNSC chair, to see if the French might be willing to exercise its influence with the SARG.

DE-BA'ATHIFICATION NOT A REAL CRISIS?

¶4. (C) Rikabi acknowledged the tension between upholding the rule of law with respect to the Constitutional bar against Ba'athists holding public office and the political imperative to make the election appear credible by being inclusive and transparent. A/S Feltman said that the United States fully supported Article 7 of the Iraqi Constitution barring

Ba'athists from office, but reiterated the importance of having an election that could be viewed as inclusive and credible. Rikabi was dismissive of the plight of Saleh al-Mutlaq saying that Mutlaq had succeeded in making his exclusion from the election into a political crisis via the media when in fact key political players, including Ayad Allawi and Abu Risha, were secretly happy with the decision. Rikabi asserted that 60 percent of the candidates who were barred from the election were Shia and that a few Kurds were also on the list. He said that sectarian tensions over the de-Ba'athification issue had decreased as Sunnis realized that they were not being exclusively targeted by the Accountability and Justice Committee (AJC). Rikabi admitted there were legitimate questions about whether the AJC's actions were legal, but said that there was also a view held by some that because the old de-Ba'athification Commission was never formally replaced, it still had the power to exclude candidates. Rikabi opined that the United States was overly worried about the de-Ba'athification issue and that there was no possibility of the Sunnis boycotting the election even if the issue was not worked out in advance of March 7.

A CARETAKER GOVERNMENT?

¶5. (C) A/S Feltman inquired about the possibility of the Parliament passing an Electoral Code of Conduct law that would govern GOI decision making, in particular with relation to Iraqi Security Forces during the time period from elections until the formation of a new government. Rikabi said Parliament was indeed considering such a law and that some blocs in the Parliament were holding up passage of the budget in order to force a vote on it. Rikabi described the law as requiring any decision made by the Prime Minister or the Iraqi Joint Chiefs of Staff to be subject to the approval of the Presidency Council. The PM has formally voiced his objection to such a law on grounds that it would be a violation of the Constitution. Rikabi described the measure as an attempt by the Presidency Council to usurp more power. Such violations of the Constitution would only undermine respect for the document and do long-term damage to the rule

of law in Iraq. On a practical level, the law would constrain the PM's ability to respond in a "ticking time bomb" scenario because even a declaration of a curfew to prevent a possible terrorist attack would be subject to the approval of the three presidents. This would prove overly cumbersome and potentially slow the GOI's reaction to threat intelligence. Asked about the possibility of the law being passed, Rikabi said that he was "hopeful" that it would not be. (COMMENT: The COR recessed on January 26 until March 1. As of that day, the Electoral Code of Conduct was sidelined in the Legal Committee because COR leadership determined that there were a number of legal inconsistencies in the bill that contradicted the Constitution and IHEC regulations. We believe it is unlikely that the Speaker will convene a special session to discuss this legislation. END COMMENT.)

¶6. (U) Assistant Secretary of State for Near Easter Affairs Jeffrey Feltman approved this cable.

HILL